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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of: )  
Heber-Katz ) Group Art Unit: 1635  
Serial No. 09/813,930 ) Examiner: K. Lacourciere  
Filed: March 22, 2001 ) Atty. Dkt. No. 000486.00006

**For: METHODS AND COMPOSITIONS FOR HEALING HEART WOUNDS**

**AMENDMENT UNDER 37 C.F.R. § 1.116**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

This paper is filed in response to the final Office Action mailed April 27, 2004. We believe no fee is due to make this response timely filed. If a fee is due, please charge Deposit Account No. 19-0733.

Claims 1-5, 15-19, 24, 25, and 27-30 are pending. Claims 3-5 are withdrawn. Claims 1, 16, 18, and 24 are rejected. Claims 2, 15, 17, 19, 25, and 27-30 are objected to.

Please enter the following amendments.

The Rejections of Claims 1, 16, 18, and 24 Under 35 U.S.C. § 102(b)

Claims 1, 16, 18, and 24 stand rejected under 35 U.S.C. § 102(b) as anticipated by Rosenbaum *et al.*, *American Heart Journal* 106, 957-64, 1983 ("Rosenbaum") and by Ahmed *et al.*, *Cardiovascular Drugs and Therapy* 9, 827-28, 1995 ("Ahmed"). Applicant respectfully traverses the rejections.

To anticipate a claim under 35 U.S.C. § 102, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Neither Rosenbaum nor Ahmed discloses each element of amended independent claim 1.

Claim 1 as amended recites a method of increasing healing of a heart wound in a euthyroid adult mammal . . . "wherein the heart wound is selected from the group consisting of a surgical incision, a cut, a stretch, a tear, a pull, an abrasion, a tissue punch, a burn, a crush, a scrape, a contusion, a bruise, a puncture, and a cold-induced lesion." Neither Rosenbaum nor Ahmed teaches a euthyroid adult mammal with one of the recited heart wounds. Thus, neither Rosenbaum nor Ahmed anticipates independent claim 1 or dependent claims 16, 18, or 24.

Applicant respectfully requests withdrawal of the rejections.

Respectfully submitted,  
BANNER & WITCOFF, Ltd.

Date: July 27, 2004

By: Lisa M. Hemmendinger  
Lisa M. Hemmendinger  
Registration No. 42,653

1001 G Street, N.W., Eleventh Floor  
Washington, D.C. 20001-4597  
(202) 824-3000